

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re the Application of ) Examiner: Joanne Hama  
Mitchell Weiss et al. ) Art Unit: 1632  
Serial No. 10/824,448 ) File Ref: CHOP.0189US  
Filed: April 14, 2004 )  
For: "Alpha-Hemoglobin )  
Stabilizing Protein )  
Transgenic Mouse and )  
Methods of Use Thereof" )

DECLARATION OF MITCHELL WEISS, GERD BLOBEL, YI KONG AND  
ANTHONY J. KIHM

  
We, Mitchell Weiss, Gerd Blobel, Yi Kong, and Anthony J. Kihm hereby declare that:

1. We are co-inventors of the invention described and claimed in U.S. Patent Application Serial No. 10/824,448 (the '448 application).
2. We have read and are familiar with the contents of the Official Action dated May 6, 2005 in the '448 application. We note that the Examiner has rejected claims 1-8 under 35 U.S.C. §102(a) as allegedly anticipated by the disclosure in Kihm et al. *Nature* 417: 758 (2002). We also note that the Examiner has rejected claims 9-13 over the combined disclosures of Kihm et al (2002) and Capecchi et al. (1989).
3. Kihm et al. forms the basis of US Provisional Application 60/477,991 from which the present application properly claims priority. The '991 application was filed June 12, 2003.
4. The other authors listed on the *Nature* manuscript, namely Wei Hong, J. Eric Russell, Susan Rouda, Kazuhiko Adachi, and M. Celeste Simon were working under the guidance and direction of Dr. Mitchell Weiss and did not make an inventive contribution to the subject matter claimed in the '448 application.